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GOOGLE INC. and KAI-FU LEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC. and KAI-FU LEE,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No.: CV 05-03095 (RMW)

**DECLARATION OF ALAN KU IN
SUPPORT OF MOTION BY PLAINTIFFS
GOOGLE INC. AND KAI-FU LEE FOR
SUMMARY JUDGMENT**

Date: October 14, 2005
Time: 9:00 a.m.
Place: Courtroom 6

Honorable Ronald M. Whyte

1 I, ALAN KU, declare as follows:

2 1. I am a paralegal in the legal department at Google Inc., one of the plaintiffs in the
3 above-captioned litigation. I have been employed by Google since June 6, 2005. I know the facts set
4 forth in this declaration through personal knowledge based on the business records maintained in the
5 ordinary course of business and, if called upon to do so, I could and would testify competently to all of
6 the matters contained herein. This declaration is submitted in support of the Motion by Plaintiffs
7 Google Inc. and Kai-Fu Lee for Summary Judgment.

8 2. Google Inc. ("Google") is a company that was formed in the Silicon Valley in
9 September 1998 by Larry Page and Sergey Brin. Originally incorporated in California, Google was re-
10 incorporated in Delaware in August 2003, but has always maintained its principal place of business in
11 Northern California. The company went public on August 19, 2004. The June 3-9, 2005 issue of The
12 San Francisco Business Times listed Google as the 32nd largest publicly traded company in the
13 Greater Bay Area, and ranked Google first among Bay Area companies with the largest initial public
14 offerings in 2004. In April 2005, The San Jose Mercury News ranked Google 19th among the top 150
15 public companies in Silicon Valley. True and correct copies of the referenced news articles are
16 attached to this declaration as Exhibit A.

17 3. It is Google's "mission" to organize the world's information and make it universally
18 accessible and useful. The company is probably best known for its web search product, an algorithmic
19 Internet search engine available at many international domains, the most trafficked being
20 <http://www.google.com>. Google also provides advertising and a wide range of search services to
21 advertisers, content publishers, and site managers.

22 4. Google leases approximately 915,000 square feet of space for its world headquarters
23 campus in Mountain View, California. The company also has two offices in Southern California,
24 located in Santa Monica and Irvine. More than 2,500 people -- approximately two-thirds of Google's
25 workforce worldwide -- are employed within the State of California. Moreover, Google employees
26 based outside California regularly collaborate, often in real-time, with Mountain View employees
27 using a variety of methods, including electronic messaging and video conferences. Google's two
28

1 founders and its Chief Executive Officer work out of Google's Mountain View facility, as well as all
2 of Google's other senior executive officers. Google executives based outside of Mountain View
3 consult on a daily basis with Google's senior executives in California on key decisions. All nine
4 members of Google's Board of Directors work in Northern California.

5 5. On July 19, 2005, Dr. Kai-Fu Lee began his employment with Google. Dr. Lee's
6 employment agreement and his employment relationship with Google are governed by California law
7 and none of the employment-related documents he has signed with Google contain a non-compete
8 clause.

9 I declare under the penalty of perjury under the laws of the United States of America, that the
10 foregoing is true and correct. Executed this 26th day of August, 2005.



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12
13
14 ALAN KU